

Tennessee Ethics Commission
November 20, 2007

Pursuant to the call of Donald J. Hall, Chairman, the Tennessee Ethics Commission held a meeting at the Commission office, 201 4th Avenue, North, Nashville, Tennessee, at 2:00 pm. Commissioner Knight was present at the Commission office. Commissioners Brown, Garland, Hall, Neal and Purser participated via teleconference.

Chairman Hall stated that in order for the Commission to comply with the Open Meetings Act, the Commission must file a "Statement of Necessity" with the Department of State. Filing the Statement of Necessity would provide justification for conducting the meeting by teleconference. He also stated that the Commission would need to vote by roll call. Commissioner Knight made the motion that Chairman Hall provide the Department of State with the Statement of Necessity and Commissioner Neal seconded. The roll call vote was as follows:

R. Larry Brown	Yes
Thomas J. Garland	Yes
Donald J. Hall	Yes
Linda W. Knight	Yes
Dianne F. Neal	Yes
Benjamin S. Purser, Jr.	Yes

The following statement was filed with the Department of State on November 20, 2007:

The meeting is being held by electronic means because of the inability to assemble a physical quorum on the chosen date. The Commission will:

- (1) address the issue of hiring the General Counsel to the Tennessee Ethics Commission as promptly as possible; and
- (2) discuss the December 3, 2007 agenda.

Commissioner Hall stated that the first item on the agenda was to discuss the selection of the General Counsel. He reminded the Commission that the position was offered to James Allen and Mr. Allen declined. He stated that the Commission should decide how to proceed. The Executive Director, Bruce Androphy, was asked for his recommendation and Mr. Androphy recommended that the position be offered to David Himmelreich. Chairman Hall opened the floor for discussion.

Commissioner Knight began the discussion and made the motion that the General Counsel position be offered to John Allyn. Commissioner Neal seconded. After each commissioner was offered the opportunity to discuss this motion, a roll call vote was taken.

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R. Larry Brown	No
Thomas J. Garland	No
Donald J. Hall	No
Linda W. Knight	Yes
Dianne F. Neal	Yes
Benjamin s. Purser, Jr.	No

The motion to offer the position to John Allyn failed by a vote of 4-2.

Commissioner Purser made a motion to offer the position of General Counsel to David Himmelreich. Commissioner Garland seconded. The roll call vote was as follows:

R. Larry Brown	Yes
Thomas J. Garland	Yes
Donald J. Hall	Yes
Linda W. Knight	Yes
Dianne F. Neal	Yes
Benjamin S. Purser, Jr.	Yes

The vote to offer the position to David Himmelreich was unanimous. After the vote, Commissioner Purser had to leave the conference call.

The Commission discussed the issue of compensation and it was stated that the annual salary would be \$90,000, the same offered to James Allen.

Commissioner Hall stated that the second item on the agenda was to decide if the Commission would discuss the report from the Attorney General on the complaint proceedings rules at the December 3, 2007 meeting or defer to a later date.

Discussion followed and it was determined that the Commission has not provided ample time for the public notice and the matter would have to be deferred until the January 15 meeting. The Commission decided that the next meeting would start at 8:30 am on December 3.

Commissioner Knight made a motion to authorize Chairman Hall to compose the Statement of Necessity as he decided. Chairman Hall seconded and the vote was unanimous.

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The meeting adjourned at 2:50 pm.

Respectfully submitted,

Becky Bradley